

## **EXHIBIT 3-11**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC., )  
Plaintiff, )  
vs. ) No. CV 10-03561 WHA  
GOOGLE, INC., )  
Defendant. )  
\_\_\_\_\_ )

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Videotaped Personal Capacity deposition of  
EDWARD SCREVEN, taken at Morrison & Foerster, LLP,  
755 Page Mill Road, Palo Alto, California,  
commencing at 9:42 a.m., on Friday, July 29, 2011,  
before Leslie Rockwood, RPR, CSR No. 3462.

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| <p>Page 70</p> <p>1 general, we are more successful in business than Sun. I<br/>2 mean, Sun built some great technologies, but they weren't<br/>3 particularly good at bringing them to market and, you<br/>4 know, I have every confidence that, you know, Oracle will<br/>5 succeed with Sun's assets in a way that Sun never could 11:32:29<br/>6 simply because we manage them better.</p> <p>7 Q. BY MR. WEINGAERTNER: How does Oracle manage<br/>8 better than Sun?</p> <p>9 A. We're very focused on making money, so we're<br/>10 very focused on building technology and then selling it 11:32:45<br/>11 to our customers and supporting it well, right, while<br/>12 making sure our costs are not out of control.</p> <p>13 Q. Was there a perception that Sun was -- and<br/>14 I'm going to use your characterization and please correct<br/>15 me if I haven't done it correctly. 11:33:06<br/>16 Was it your perception that Sun was less<br/>17 focused on making money than Oracle is focused on making<br/>18 money?</p> <p>19 MR. NORTON: Objection to the form of the<br/>20 question. 11:33:17<br/>21 THE WITNESS: Yes.</p> <p>22 Q. BY MR. WEINGAERTNER: At the time of the<br/>23 acquisition, what was the perception as to -- by Oracle,<br/>24 as to what Sun was focused on?</p> <p>25 A. I think Sun had lost their way in terms of 11:33:24</p>   | <p>Page 72</p> <p>1 Java, right, they -- they've now shipped on millions and<br/>2 millions of handsets; right, and that's going to make it<br/>3 difficult for Oracle or anyone else who wants to ship a<br/>4 licensed Java implementation for smartphones to succeed.</p> <p>5 Q. Why hadn't Sun already gotten into that 11:35:13<br/>6 market before Google had given that it -- when I say<br/>7 "that market," the smartphone market, given it's success<br/>8 in the feature phone market?</p> <p>9 MR. NORTON: Objection to form.</p> <p>10 THE WITNESS: You have to ask their prior 11:35:27<br/>11 management.</p> <p>12 Q. BY MR. WEINGAERTNER: Well, I guess that will<br/>13 happen later today since you'll be speaking on behalf of<br/>14 Oracle America.</p> <p>15 A. Yes -- 11:35:41<br/>16 MR. NORTON: Objection, that's not correct.<br/>17 Mr. Screven in the 30(b)(6) portion of his deposition<br/>18 will be testifying on behalf of Oracle America, but the<br/>19 30(b)(6) notice seeks Oracle's -- we understood and<br/>20 understand this was discussed at Nedim's deposition -- 11:36:00<br/>21 that it's from the perspective of Oracle, it's the<br/>22 acquisition of Sun.<br/>23 So the suggestion that Mr. Screven will be<br/>24 testifying as Sun's prior management is not correct.</p> <p>25 MR. WEINGAERTNER: Okay, and noted that we 11:36:11</p> |
| <p>Page 71</p> <p>1 strategy. I mean, they -- while certainly they were<br/>2 for-profit company and, you know, sought to sell and<br/>3 sought to profit, I think that they, you know, had no<br/>4 strategy for how it is that they were going to actually<br/>5 add value to their customers beyond, you know, beyond 11:33:44<br/>6 what other folks were doing.</p> <p>7 Now, they did have a very strong focus on<br/>8 engineering; right, and they created some very good<br/>9 technology assets. But the thing that they didn't really<br/>10 have is a way to tie them together and bring them to 11:34:02<br/>11 market in the way that would be most appealing to their<br/>12 customers.</p> <p>13 Q. At the time of the acquisition or since then,<br/>14 does Oracle have a specific strategy or ability other<br/>15 than its general business acumen that you referred to, 11:34:22<br/>16 for succeeding in the smartphone market or the mobile<br/>17 platform?</p> <p>18 A. I think Android has basically foreclosed<br/>19 that. I don't believe that there is a strategy that we<br/>20 could adopt at this point, right, to displace Android 11:34:39<br/>21 given that they've sucked all out of the air out of the<br/>22 room for Java on smartphones.</p> <p>23 Q. What do you mean by "sucked out all the air<br/>24 out of the room"?</p> <p>25 A. Well, they are in the market with a clone of 11:34:52</p> | <p>Page 73</p> <p>1 have a difference of view on that and we can take it up<br/>2 off the record.</p> <p>3 MR. NORTON: But just we can have a<br/>4 difference of view, but we're the ones putting up the<br/>5 witness, and so he will not be testifying as Sun's former 11:36:21<br/>6 management and the suggestion otherwise is incorrect.</p> <p>7 MR. WEINGAERTNER: Okay. We disagree. I<br/>8 won't ask any further questions, but my understanding is<br/>9 the witness isn't prepared on those and that's -- I<br/>10 understand why now. 11:36:34<br/>11 Just to follow up on Mr. Screven's answer,<br/>12 when you refer to prior management, would that be someone<br/>13 like Mr. Schwartz, Mr. Jonathan Schwartz?</p> <p>14 THE WITNESS: Yes, yes.</p> <p>15 MR. WEINGAERTNER: I'd like to provide the 11:37:42<br/>16 witness with a copy of a document which has previously<br/>17 been marked in this case as Exhibit 60, which is a letter<br/>18 to Mr. Schwartz, Jonathan Schwartz, then chief executive<br/>19 officer and president of Sun although the address doesn't<br/>20 indicate that on this document. 11:38:04<br/>21 THE WITNESS: Uh-huh.</p> <p>22 Q. BY MR. WEINGAERTNER: And I would ask the<br/>23 witness to take a moment to look at the document.</p> <p>24 A. Yes.</p> <p>25 Q. Is it a document that you recognize, 11:38:12</p>                   |

19 (Pages 70 to 73)